

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.10H, Closed Area 1-B, Jaffrey Point, NH to Brave Boat Harbor, York, promulgated on March 27, 2003, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.10H, Closed Area No. 1-B, Jaffrey Point, NH. to Brave Boat Harbor, York.

Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters in the towns of Kittery and York in the following two areas:

1. Southeast of a line across the Piscataqua River at the Memorial Bridge and northwest of a line running from Jaffrey Point, Newcastle Island, in New Hampshire, to the dock at Fort Foster, Gerrish Island, in Maine.
2. West of a line beginning at Seapoint and extending due north to Cutts Island, Kittery.
3. Northwest of a line across Brave Boat Harbor, approximately 800 feet east of Brave Boat Harbor Road (Route 103), at the pilings from an old trolley line.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: April 2, 2004

AGENCY CONTACT PERSON:

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STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.10H, Closed Area 1-B, Jaffrey Point, NH. to Brave Boat Harbor, York, promulgated on March 27, 2003, and replaces it with a new regulation. The new regulation closes the conditional area in Spruce Creek due to an overflow at the Admiralty Village sewage pump station, which poses a threat to public health.

Spruce Creek will remain closed until department personnel have sampled the area and determined that water quality again meets approved criteria.



DAVID ETNIER
DEPUTY COMMISSIONER



Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

C1B Jaffrey Pt to Brave Boat Hbr

4/2/04

